

MINUTES

OF THE

NATURAL RESOURCE COMMISSION

MEETING

FEBRUARY 10, 2005

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Natural Resource Commission was called to order by Chairperson Francisco at 8:30 a.m. in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Randy Duncan
Janice Marcantonio
Carol Kramer
Richard Kim Francisco
William Sullivan
Paul Christiansen

MEMBERS ABSENT

Joan Schneider

APPROVE AGENDA

Motion was made by Commissioner Kramer to approve the February 10, 2005 NRC agenda. Seconded by Commissioner Christiansen. Motion carried unanimously.

AGENDA APPROVED

APPROVE MINUTES

Motion was made by Commissioner Duncan to approve the minutes of the January 19, 2005, meeting as presented. Seconded by Commissioner Kramer. Motion carried unanimously.

MINUTES APPROVED

DIRECTOR'S REMARKS

Director Vonk reported that deer are a big topic of discussion in the legislature. Staff has attended several hearings of different committees all the way from agriculture, to environment, to natural resources as well as on deer and the budget. Director Vonk noted that there are many separate bills, all with different ideas and concepts on what ought to happen and what we ought to be required to do. He said the committee in the Senate has indicated there is going to be one single bill to deal with all the deer issues. The draft of that bill would be one that we could support. That bill would not increase the number of nonresident either sex tags, but our department asked for the authority to have the commission determine the number of nonresident

antlerless tags that we can sell. In addition the department is seeking authority to establish a system whereby Iowa deer hunters can fill out quotas in some of the counties where not all of the available doe tags are being sold. Director Vonk said our position is that the legislature should leave us alone because we have a program in place that is reducing the herd. He said there is documentation of more than a 10% decline in the population as compared to a year ago and if we hold the line by running the same program next year and we get the same kind of participation from our hunters, the herd would decline by 25% compared to a year ago. The director said the impact that we desire in lowering the numbers is happening. He added that we are consistent in telling legislators that it is not our intention to decimate the deer herd, but he emphasized that our plan is working.

Director Vonk said that there seems to be a more positive interest to allow the boat registration bill to happen this year. He said the Senate version would authorize an increase in fees a little higher than what was proposed last year, but it is unknown what will happen with this bill.

Director Vonk said the Governor's budget is close to a status quo budget with a couple of exceptions for our department. The Governor asked for a \$4.5 million increase in the REAP program, as well as a proposal for \$800 million in an Iowa Values initiative which calls for bonding to fund a whole range of programs, including \$50 million to support local groups in water quality projects and \$70 million for recreational infrastructure improvements.

Director Vonk expressed concern that no funding is being asked for parks infrastructure improvements. He noted that recent environmental audits of our parks revealed needs in the neighborhood of \$15 million which would restore functional sanitary systems and contribute to our part toward improved water quality.

Commissioner Duncan asked at what point the department will have a problem with the declining deer population.

Commissioner Francisco reported that the management plan that was adopted by the commission is at 97,000. Director Vonk said trend lines and simulation models show we will be at that level next year assuming hunting pressure and sales remain steady.

Commissioner Francisco asked if when considering the park infrastructure funding situation, if staff has been thinking about wireless internet connections for the campgrounds, similar to what DOT has at rest areas.

Director Vonk responded that the parks staff has talked about wireless internet connections in the parks, but right now the main focus is getting a automated reservation system developed and fully functional. He said it is expected that all cabin reservations will be online this summer and then it will be expanded to campsites. He added that most likely internet access will follow.

CONSTRUCTION PROJECTS

Linda Hanson, Administrator, Management Services Division, presented the following item.

Linda introduced Basil Nimry, Engineering and Realty Services Bureau Chief, Jerry Gibson and Rick Hanson, land acquisition negotiators.

Linda Hanson referred to the copy of the department's capital plan to use as a reference when construction projects and land acquisition projects are presented for approval. She said the projects will be monitored this year to see how they fit into the capital plan. She cautioned that while the department's goal is to stay as close as possible to the approved plan, there may be a little variation because there is no way to know what might happen in some areas to change a project.

Bids were opened January 26, 2005 for the following projects:

Lake Icaria State Park, Adams Co. - Fishing Jetties

This project consists of the construction of four (4) earthen core fishing jetties with the placement of riprap to the ends of jetties and other related work as required by the Plans and the DNR Construction Inspector. Project is budgeted in Federal Aid to Sport Fish Restoration and Fish and Wildlife Trust (Fish Habitat) funds. DNR estimate is \$126,000. Twenty-one sets of plans were requested. Eight bids were received.

Jeffrey Sickels, dba Jeff Sickels Dozing	Mt Ayr, IA	\$ 77,606.50
Richards Construction Co., Inc.	Sac City, IA	\$ 81,712.00
Weaver's, Inc.	Tipton, IA	\$ 83,959.00
K.M. King, Inc.	Burlington, IA	\$ 86,680.45
Saxton, Inc.	Leon, IA	\$ 95,570.25
Pinnell Brown Construction, Inc.	Des Moines, IA	\$104,936.50
Peterson Contractors, Inc.	Reinbeck, IA	\$107,136.25
L.A. Carlson Contracting, Inc.	Merrill, IA	\$165,757.50

Staff recommends award of contract to Jeffrey Sickels, dba Jeff Sickels Dozing, low bidder.

Motion was made by Commissioner Kramer to approve the low bid of Jeffrey Sickels, dba Jeff Sickels Dozing, Mt. Ayr, Iowa, in the amount of \$77,606.50 for fishing jetties construction at Lake Icaria State Park in Adams County. Seconded by Commissioner Marcantonio. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Lake Icaria State Park, Adams Co. - Wetland and Fenceline Crossing

This project consists of the construction of a rock chute, a fenceline crossing upstream from the rock chute, and incidental work as required by the Plans and the DNR Construction Inspector. Construction is planned for Spring 2005 during the time Lake Icaria is drawn down for maintenance. Project is budgeted in EPA 319 (\$142,203.62), Lake Restoration (\$35,967.88), Fish and Wildlife Trust Fish Habitat (\$8,500), Ducks Unlimited (\$5,000) and Adams County Pheasants Forever (\$3,000) funds. DNR estimate is \$140,000. Twenty-one sets of plans were requested. Three bids were received.

Saxton, Inc.	Leon, IA	\$185,871.50
Pinell Brown Construction, Inc.	Des Moines, IA	\$271,823.12
Peterson Contractors, Inc.	Reinbeck, IA	\$281,073.00

Staff recommends award of contract to Saxton, Inc., low bidder.

Motion was made by Commissioner Duncan to approve the low bid of Saxton, Inc. of Leon, Iowa, in the amount of \$185,871.50 for wetland and fenceline crossing construction at Lake Icaria State Park in Adams County. Seconded by Commissioner Kramer. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Big Springs Hatchery, Clayton Co. - Discharge Pump System

This project consists of the construction and installation of an upgraded high capacity discharge pump system and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted in FEMA (75%) and Fish and Wildlife Trust (25%) funds. DNR estimate is \$56,000. Fourteen sets of plans were requested. Four bids were received.

Taylor Construction, Inc.	New Vienna, IA	\$ 57,496.00
F. L. Krapfl, Inc.	Dyersville, IA	\$ 77,460.00
Tschiggfrie Excavating Co.	Dubuque, IA	\$ 80,292.80
Matt Construction, Inc.	Sumner, IA	\$ 84,580.00

Staff recommends award of contract to Taylor Construction, Inc., low bidder.

Motion was made by Commissioner Sullivan to approve the low bid of Taylor Construction, Inc. of New Vienna, Iowa, in the amount of \$57,496.00 for a discharge pump system at Big Springs Hatchery in Clayton County. Seconded by Commissioner Christiansen. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Green Island WMA, Jackson Co. - Channel 4 Cross Levee Riprap Repairs

This project consists of the placement of riprap along the west side of the Channel 4 cross levee at Green Island WMA and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted in Marine Fuel Tax Fund. DNR estimate is \$130,000. Twenty-four sets of plans were requested. Sixteen bids were received.

Todd A. Summers, dba Summers Enterprise	Masonville, IA	\$ 75,696.00
Tschiggfrie Excavating Co.	Dubuque, IA	\$ 81,888.00
Steger-Heiderscheit Const. Corp.	Dyersville, IA	\$ 83,760.00
Ardo Schmidt Construction, Inc.	Preston, IA	\$ 84,000.00

F.L. Krapfl, Inc.	Dyersville, IA	\$ 88,800.00
Weaver's, Inc.	Tipton, IA	\$ 92,640.00
Horsfield Construction, Inc.	Epworth, IA	\$ 93,360.00
Downs Dozing Service LLC	Tama, IA	\$ 96,000.00
K.M. King, Inc.	Burlington, IA	\$ 98,112.00
Phoenix Corp. of the Quad Cities, Inc.	Port Byron, IL	\$ 98,880.00
C.H. Langman & Son, Inc.	Rock Island, IL	\$ 99,744.00
Dolan Excavating LLC	Manchester, IA	\$105,120.00
Connolly Construction, Inc.	Peosta, IA	\$105,600.00
Pinnell Brown Construction, Inc.	Des Moines, IA	\$109,776.00
Peterson Contractors, Inc.	Reinbeck, IA	\$112,800.00
Brandt Construction Co.	Milan, IL	\$119,952.00

Staff recommends award of contract to Todd A. Summers, dba Summers Enterprise, low bidder.

Motion was made by Commissioner Marcantonio to approve the low bid of Todd A. Summers, dba Summers Enterprise of Masonville, Iowa, in the amount of \$75,696.00 for levee riprap repairs at Green Island WMA in Jackson County. Seconded by Commissioner Duncan. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Lake of Three Fires, Taylor Co. - Boat Ramp Replacement

This project consists of the removal of the existing boat ramp, construction of the boat ramp replacement, and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted in Marine Fuel Tax Fund. DNR estimate is \$32,000,. Fifteen sets of plans were requested. Five bids were received.

TEK Builders, Inc.	Mt Ayr, IA	\$ 32,871.00
K.M. King, Inc.	Burlington, IA	\$ 37,645.00
Peterson Contractors, Inc.	Reinbeck, IA	\$ 39,110.00
Crain Construction, Inc.	Clarinda, IA	\$ 42,945.00
Pinnell Brown Construction, Inc.	Des Moines, IA	\$ 57,261.52

Staff recommends award of contract to TEK Builders, Inc., low bidder.

Motion was made by Commissioner Kramer to approve the low bid of TEK Builders, Inc. of Mt. Ayr, Iowa, in the amount of \$32,871.00 for boat ramp replacement at Lake of Three Fires in Taylor County. Seconded by Commissioner Christiansen. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Fort Atkinson Preserve, Winneshiek Co. – Church Roof Replacement

This project consists of replacing shingles on church roof and steeple and repair of bell tower and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted in REAP Land Management. DNR estimate is \$25,000. Ten sets of plans were requested. Two bids were received.

Sam Hageman,

dba Sam Hageman Construction	Calmar, IA	\$ 31,641.00
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Marty Jess, dba Jess Construction	Bellevue, IA	\$ 38,200.00
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Staff recommends award of contract to Sam Hageman, dba Sam Hageman Construction, low bidder.

Motion was made by Commissioner Duncan to approve the low bid of \$31,641.00 for church roof replacement at Fort Atkinson Preserve in Winneshiek County. Seconded by Commissioner Christiansen.

Short discussion ensued regarding the church repairs and the state's responsibility for those repairs. Ms. Hanson explained that the church is part of the Fort Atkinson Preserve and is the department's responsibility. She added that the church was donated to the state and is of historic value.

Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Commissioner Francisco asked about mushroom shelters as listed on the capital plan. Mike Brandrup explained that there are a few small shelter houses along trails that are in need of repair. He said that while this type of project is low priority, some are in great need of repair.

LAND ACQUISITION

Linda Hanson, Administrator, Management Services Division, presented the following items

Sweet Marsh Wildlife Management Area, Bremer County--Harms.

The Natural Resource Commission's approval is requested for the acquisition of a tract of land located in Bremer County. Dennis and Carol Harms offer this 26-acre tract for the appraised price of \$24,000. The property is encumbered by a Wetland Reserve Program (WRP) easement.

Daniel Kinsinger, Licensed Appraiser, of Cook Appraisal, Inc., Iowa City, Iowa submitted the appraisal. Jerry Gibson negotiated the purchase agreement.

The property is located approximately one mile east of Tripoli adjacent on the east boundary to the Sweet Marsh Wildlife Management Area. The property has excellent access from the south via County Road C28. The property consists of 20.2 acres of encumbered farmland with an

estimated CSR of 64 that will be restored to 18 acres of native prairie and 2 acres of wetlands. The remainder of the parcel consists of 2.2 acres of encumbered CRP (Conservation Reserve Program) wet and 3.6 acres of ditch/wetlands. CRP payments will cease when the WRP is closed. The property is in the Wapsipinicon River floodplain, and is prone to extensive flooding. The NRCS restoration plan will enhance filtration provided by existing buffer strips adjacent to the ditch on the west side of the parcel. The NRCS will pay 100% of the restoration. The primary goal of the project is water quality, but will also provide habitat for the nearby massasauga rattlesnake.

The Wildlife Bureau will manage the property to create waterfowl and shorebird habitat with excellent potential for deer, wild turkey, and furbearers. No fencing or surveying costs are anticipated. The NRCS paid for the survey.

Acquisition will be from the federal Upper Wapsi NAWCA fund. Incidental closing costs are the responsibility of the Department.

Motion was made by Commissioner Sullivan to approve the acquisition of 26 acres of land at Sweet Marsh Wildlife Management Area in Bremer County from Dennis and Carol Harms for the appraised price of \$24,000. Seconded by Commissioner Kramer. Motion carried unanimously.

LAND ACQUISITION APPROVED

Wapsipinicon State Park, Jones County—McNamara

The Natural Resource Commission's approval is requested to purchase a tract of land located in Jones County adjacent east of Wapsipinicon State Park. Olga McNamara offers this 10-acre tract for the appraised price of \$20,000.

Thomas Kane, Licensed Appraiser of Dubuque, Iowa, submitted the appraisal. Rick Hansen negotiated the purchase agreement.

This property is located one half mile south of Anamosa. The irregular-shaped tract reflects level topography. Current land use is 2.8 acres enrolled in the Conservation Reserve Program (CRP), 6.2 acres of native timber, and 1.0 acre of road right-of-way. The seller will reserve the annual CRP payments of \$256 for the years 2005 and 2006 and will be responsible for compliance with the CRP contract.

The east bank of the Wapsipinicon River forms the west boundary of the property, while an existing fence line is at the north boundary. Fawn Creek enters near the northeast corner and bisects the north half of the property. The average Corn Suitability Rating of the tract is 20. There are no building improvements. Shaw Road, a paved county road, provides excellent access along the east.

This offer is contingent upon the Jones County Historic Preservation Commission successfully obtaining the permits required for placement of the former "Hale Bridge", a historic bowstring

arch bridge, over the Wapsipinicon River at the site proposed. This three span structure totaling 263 feet was removed from its original location over the Wapsipinicon River just south of the village of Hale in 2003. The bridge was constructed between 1877 and 1879, and was the longest standing bowstring arch bridge in the state of Iowa. There are only 20 such bridges remaining in the state today, and all are eligible for the National Register of Historic Places. (Source of above information: "Bowstring Arch Bridges of Iowa", by Michael R. Finn, published in 2004.)

This acquisition will increase Wapsipinicon State Park to 414 acres, and will allow the public to enjoy this historic bridge, while also providing foot access over the river. The Parks Bureau will manage the property in accord with the area management plan.

The Jones County Historic Preservation Commission will pay for and coordinate the placement of this bridge to its new site at the park. The Department will provide for future maintenance of the structure.

Funding will be provided by 100% REAP protected waters area. The Department will provide for a land survey. No fencing costs are anticipated. Incidental closing costs will be the responsibility of the Department.

Motion was made by Commissioner Christiansen to approve the acquisition of a 10-acre tract of land adjacent east of Wapsipinicon State Park in Jones County from Olga McNamara for the appraised price of \$20,000. Seconded by Commissioner Duncan. Motion carried unanimously.

LAND ACQUISITION APPROVED

SOUTH TWIN LAKES BOUNDARY AGREEMENT

Linda Hanson, Administrator, Management Services Division, presented the following item.

The Natural Resource Commission's approval is requested for a boundary agreement with Thomas Stumpf of Rockwell City, Iowa and Bruce Bevis of Eden Prairie, Minnesota to determine the boundary of a portion of South Twin Lake in Government Lot 4, Section 1, Township 88 North, Range 33 West in Calhoun County.

The original government survey of sovereign South Twin Lake described the lake by a meander line that very inaccurately described the actual boundary (ordinary high water line) of the lake. In 1939, the Iowa Conservation Commission surveyed the ordinary high water line of the northeasterly part of South Twin Lake in preparation for a project to dredge nearby North Twin Lake. Later in 1939 and in 1940, the Conservation Commission contracted to dredge North Twin Lake. The dredged material was deposited on the northerly part of the bed of South Twin Lake as well as on riparian private land with appropriate permission of those landowners. Placement of the dredged material obliterated physical evidence of the northeasterly portion of the ordinary high water line of South Twin Lake. After dredging was completed, the 1939 survey was never relocated nor was that portion of the boundary of South Twin Lake accurately

posted as public property. Between 1940 and 1960, some of the dredge fill area was converted to agricultural land, actively farmed by riparian landowners. The balance of the dredge fill area naturally converted to timber, some of it managed by the DNR as a wildlife refuge, some of it claimed by the riparian landowners. A land donation and a previous boundary agreement have determined about one half of the boundary in question.

The northeasterly part of South Twin Lake is managed as a wildlife refuge. Adjacent private property has recently been developed commercially. That development has demonstrated a need to accurately determine the boundary of the state's property. Also, a local recreational trail group representative has requested that the boundaries be determined to aid them in planning future trails. Approximately one-quarter mile of riparian boundary remains to be determined. Both Stumpf and Bevis have agreed to establish their riparian boundaries by agreement negotiated with the DNR. The proposed boundaries accommodate long-standing uses of the area by while remedying the inaccurate property descriptions in the original government survey.

No adverse effect on management of South Twin Lake is anticipated due to acceptance of the proposed boundary. Land survey costs associated with the proposed agreements are estimated at \$2,500.

Motion was made by Commissioner Duncan to approve a boundary agreement with Thomas Stumpf of Rockwell City, Iowa and Bruce Bevis of Eden Prairie, Minnesota to determine the boundary of a portion of South Twin Lake in Government Lot 4, Section 1, Township 88 North, Range 33 West in Calhoun County. Seconded by Commissioner Sullivan. Motion carried unanimously.

BOUNDARY AGREEMENT APPROVED

CHAPTER 18 LEASES

Dale Entner – Clear Lake

The Natural Resource Commission is requested to recommend approval to the Executive Council of a Chapter 18 renewal with Dale Entner, dba Sunset Bay Marina, on Clear Lake.

The leased area consists of an artificially filled land area approximately 70 feet by 10 feet in the sovereign bed of Clear Lake. The use consists of a wooden sea wall with fill behind it, a portion of a concrete walk and steps along the south side of the Marina building. This lease will also authorize maintenance of a sidewalk and steps extending across the common boundary between his property and Clear Lake State Park

The lease expired December 31, 2004. Entner had not paid his annual fee despite repeated reminders and many payment requests. Therefore, an application for renewal was not sent to Entner prior to the expiration date. Entner finally paid his annual rent in full to Josh Rembe, Park Ranger at Clear Lake State Park, in late 2004.

The lease will be for a standard five-year period, annual payment of \$600, the administrative fee is \$108. The initial lease was approved in 1988. Entner has sent the annual payment of \$600 towards the 2005 rent. If the IAC-571-18 fee schedule is amended during the term of this lease, the fee shall be adjusted to meet the revised schedule.

Linda Hanson reviewed details of the lease and answered individual questions.

Commissioner Duncan questioned the reasoning behind approving a five-year lease versus a one year lease in order that any changes in the fee schedule could be implemented. Linda Hanson explained that a clause is built into all lease renewal agreements that if the fee schedule is amended during the term of this lease, the fee shall be adjusted to meet the revised schedule. This way the fee amount can be changed and not cause the entire lease to change, which would save staff time.

Allowing the leased land to be open to competition was briefly discussed. This issue will be reviewed by staff.

Motion was made by Commissioner Christiansen to recommend approval to the Executive Council of a Chapter 18 renewal with Dale Entner, dba Sunset Bay Marina, on Clear Lake. Seconded by Commissioner Sullivan. Motion carried unanimously.

CHAPTER 18 LEASE APPROVED

Hans Willadsen – East Okoboji, Dickinson County

The Natural Resource Commission is requested to recommend approval to the Executive Council of 18 Lease Number 16-R with Hans Willadsen.

The leased area covers a portion of boathouse located below the ordinary high water line of East Okoboji adjacent to Lot #5, Block 4, Osbornes Addition to the Town of Spirit Lake.

The building is approximately 54 feet wide by 80 feet long. All but approximately 27 square feet of the boathouse is on state property. The building is being used to store miscellaneous items such as lawn equipment, pontoon boat, tools, tires, etc; all items are for personal use.

The lease was originally issued to Iowa Lakes Community College in 1984. In January 1993, Iowa Lake Community College sold the building to Willadsen and the lease was assigned to him.

The lease will be for a period of five years with an annual fee of \$300. If the IAC-571-18 fee schedule is amended during the term of this lease, the fee shall be adjusted to meet the revised schedule. The existing lease is scheduled to expire March 30, 2005.

Aspects of the lease were discussed. Director Vonk noted that this is a case where an individual has a substantial amount of land and a commercial building. He questioned whether there is ever an opportunity for somebody else to come in and offer to pay more. He asked if there is any kind of process built into these leases at renewal time.

Greg Jones stated that routinely this is not done because most of these leases accommodate a problem where someone has encroached and chosen to lease as an alternative to having it removed. He added that in this case, there is more involved and there could be someone else with an interest in that land. Historically the department has not opened a bidding process for that, but there probably is not anything in the rules that would prevent us from doing that.

Linda Hanson said that staff would talk with our assistant attorney general to receive legal advice as to whether the DNR may seek bids on certain leases.

Motion was made by Commissioner Sullivan to recommend approval to the Executive Council of Chapter 18 Lease Number 16-R with Hans Willadsen. Seconded by Commissioner Kramer. Motion carried unanimously.

CHAPTER 18 LEASE APPROVED

Commissioner Marcantonio asked for an update with regard to the acquisition of Camp WaShawtee which is land next to Waubonsie State Park that has been up for sale.

Diane Ford-Shivvers reported that several meetings have been held regarding the acquisition. She said that staff is working closely with the Iowa Natural Heritage Foundation, along with Senator Houser and Senator Black to develop a funding package, possibly through the Iowa Values Fund. She said they will be meeting at the Welcome Center on Hwy 2 and I-29 on Saturday to tour the area and have a discussion.

Mike Brandrup reported that the group that presently has this land is looking for a partnership with the state. There are 711 acres and the asking price is \$2.6 million. The ability for the department to find financing internally just is not there due to existing budgets. He added that this is a tremendous opportunity to increase the size of the park and would allow the construction of waste water treatment, and with the existing cabins this acquisition would be a great opportunity for the park.

Commissioner Marcantonio related that a local charity organization is one of the partners with DNR and INHF, so there is probably a lot of potential for funding. She commented that since this would be such a big purchase for the DNR, the commission should be kept “in the loop” so that any questions they might have could be answered along the way and not after the fact. Janice added that the commissioners are always kind of “ringing our hands” with what they can do and this is a project that commissioners could have a lot of impact on through letters of support contacts.

Diane Ford-Shivvers noted that she would be e-mailing information to the commissioners regarding this project and invited the commissioners to attend the Saturday meeting.

CONSERVATION AND RECREATION DONATIONS

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

The Natural Resource Commission is requested to approve the following donations:

Parks Bureau

David and Helen Duncan donated \$200.00 to the general Parks fund.

Steve and Jean Auen donated a Craftsman power washer model #580.752400 valued at \$400.00 to Lake Wapello State Park.

The Friends groups at Lacey Keosauqua State Park purchased a 2005 Kawasaki Mule 3010 4x4 valued at \$8969.76. Five thousand of this money came from a local grant given by the Van Buren foundation and the Friends group raised the balance.

Jay Proffitt Construction donated \$3000.00 worth of material used for an Eagle Scout project at Lake Macbride State Park.

Richard and Sunday Antrim donated \$500.00 for improvements to trails at Lake Macbride State Park.

The Anamosa Jaycees over the last several years has been gathering donations and having fund raising events to get a new playground installed at Wapsipinicon State Park. They were able to raise \$15,000 holding some 15 different fund raising events. The money was used to pay for the new equipment, sand for the area and a concrete sidewalk around the area. A lot of the members of the Jaycees participated in these events and also assisted in the installation of the equipment.

Other individuals and companies that donated to the playground equipment at Wapsipinicon State Park:

Dave & Debra Oldman donated \$2000.00

PepsiCo a division of Quaker Oats donated \$2000.00 for products for fund raising

Arensdorf Excavating donated \$2000.00 in labor and equipment for excavating the site

Rogers Concrete Construction donated \$1600.00 in labor, materials, and equipment for sidewalk

Alliant Energy Foundation donated \$250.00

Bard Concrete Co donated \$242.52 for 3 yards concrete for sidewalk

Jones Regional Medical Center employees donated \$193.32

Fawn Creek, Inc donated \$150.00

Steve Dummermuth donated \$150.00

Dr. Mark & Robyn Davis family donated \$150.00

Rairdin Photography donated \$85.00

Dr. Nick and Joyce Duncan family donated \$65.00

Dental Prosthetic Services donated \$65.00

Bower, Dole & Riniker CPA's donated \$65.00

Lasso E. RV Inc donated \$65.00

Raymond and Maryann Cox donated \$50.00

Rose Koemen and Rosemarie Reid donated \$35.00

Wildbirds Unlimited donated three CD's with bird sounds to be used in the EB Lyons Interpretive Center for background noise. They also donated 60 pounds of niger seed and 100 pounds of black oiled sunflower seed to be used in the feeders at the Center. The value of this donation is \$143.00.

Matt Axtell earned his Eagle Scout with help from others by donating labor to clear trees and underbrush from a native tall grass prairie at the Mines of Spain. The clearing helped to increase the size of the prairie from 30' x 30' to an area of about 250' x 250'. The prairie is also located in the Catfish Creek State Preserve portion of the park. The value of the donation was \$2116.40.

Meyer Excavating donated the use of a backhoe tractor, dump truck and labor to take down the old entrance portals at Backbone State Park and haul the old concrete to an appropriate landfill site. The value of this donation is \$760.00.

Touchstone Energy donated \$10,000 toward the reprinting of the Iowa State Park and Recreation Area brochure. This is the 2nd year that Touchstone has donated money for our brochure.

Law Enforcement Bureau

The Dubuque Chapter of Whitetails Unlimited donated a Nikon spotting scope to be used primarily by Conservation Officers Brian Roffman and Mike Ouverson. The spotting scope is valued at \$150.00.

Dianna Albrecht donated \$550.00 in memory of her husband Dwayne to be used for educational equipment in the classroom at Olofson Range.

Motion was made by Commissioner Sullivan to approve the donations to the Conservation and Recreation Division. Seconded by Commissioner Christiansen. Motion carried unanimously.

DONATIONS APPROVED

SPECIAL BOAT DONATION

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is asked to accept the donation of a boat for boating enforcement in the Dickinson County lakes region. The use of the boat was accepted at the 7/23/04 NRC meeting. The Iowa Great Lakes Water Council would like to transfer title of this patrol boat to the DNR at no charge.

The estimated value of this boat is \$55,000. The boat will be used in Dickinson County.

Motion was made by Commissioner Kramer to accept the donation of a boat to be used for boating enforcement in the Dickinson County lakes region. Seconded by Commissioner Duncan. Motion carried unanimously.

BOAT DONATION APPROVED

FISHERIES HABITAT WITH LOCAL ENTITIES GRANT REVIEW

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

County Fish Habitat Grant Review Committees met in December and January to review county conservation board projects. Each district forms a grant committee made up of at least five county conservation board directors that rank and score all of the projects in their district. A district fisheries biologist sets on each committee for advisory purposes.

The committees recommend funding the projects as follows:

DISTRICT 1 – recommends fully funding five of six projects reviewed

Grundy County	\$10,620.00	Bank armoring II – Grundy County Lake
Story County	\$38,757.00	Bank stabilization phase 2-Hickory Grove Park
Webster County	\$8,172.00	Bank armoring – Moorland Pond
Poweshiek County	\$10,235.20	Jetty shoreline armoring-Diamond Lake
Hardin County	\$2,020.50	Aeration system-Meiers Wildlife Refuge

DISTRICT 2 – recommends fully funding seven of nine projects reviewed

Bremer County	\$1,800.00	Plainfield Lake jetty
Cerro Gordo County	\$12,650.00	Bluebill Bank stabilization
Kossuth County	\$10,890.00	East Fork riffle
Mitchell County	\$3,600.00	Turtle Creek bank stabilization
Winnebago County	\$11,427.16	Lake Catherine jetty
Winneshiek County	\$20,610.00	Lake Meyer silt retention
Worth County	\$28,133.84	Silver Lake jetty

DISTRICT 3 – recommends fully funding one project and partially funding one project of three projects reviewed

O'Brien County	\$60,504.00	Mill Creek Park Lake renovation
Crawford County	\$19,861.00	Yellow Smoke East End renovation Phase II

DISTRICT 4 – recommends fully funding five projects and partially funding one project of six projects reviewed

Adair County	\$24,597.00	Sediment dam, outlet protection, spawning beds
Union County	\$25,987.50	Lake renovation
Harrison County	\$21,327.00	Fishing jetty, shoreline armoring
Madison County	\$11,866.00	Fishing jetty, shoreline armoring, habitat placement
Guthrie County	\$8,235.00	Sediment basin, dredge pond
Pottawattamie County	\$5,123.50	Shoreline armoring

DISTRICT 5 – recommends fully funding two projects and partially funding one project of four project reviewed

Des Moines County	\$63,000.00	Lake armoring
Keokuk County	\$21,280.50	Sediment basin, pond armoring
Lee County	\$20,970.00	Acquisition

DISTRICT 6 – recommends funding four projects of eight reviewed

Clayton County	\$7,781.00	Bloody Run streambank hides & stabilization
Dubuque County	\$18,900.00	Upper Catfish Creek/Monastery aquatic habitat improvement
Johnston County	\$30,021.00	Easterly Valley Lake Project
Iowa County	\$25,895.00	Iowa Lake Restoration

Mike Brandrup reviewed the committee's recommendation for funding the county fish habitat grants.

Motion was made by Commissioner Christiansen to approve the recommended projects for funding under the Fisheries Habitat with Local Entities Grant program. Seconded by Commissioner Kramer. Motion carried unanimously.

GRANTS APPROVED

WILDLIFE HABITAT WITH LOCAL ENTITIES GRANT REVIEW

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

The Wildlife Habitat with Local Entities Program Grant Review Committee reviewed a total of six (6) county conservation board projects requesting \$326,382.25. A total of \$427,419.00 is available for this grant review.

The committee recommends fully funding five (5) projects as shown on the attached table.

Commission approval is requested for the committee recommendations listed above.

NOVEMBER 2004					
COUNTY	PROJECT NAME	ACRES	GRANT REQUEST	GRANT AWARD	TOTAL PROJECT COST
Clinton	McAndrews Wildlife Area	198	\$198,000.00	198,000.00	\$283,000.00
Lyon	Little Rock River Wildlife Area - North Unit Addition	21.2	\$14,729.00	14,729.00	\$19,639.00
Mitchell	Burr Oak Wetland	30	\$26,700.00	26,700.00	\$61,950.00
Sioux	Vanmeeteren Track - Otter Creek Wildlife Area	61	\$36,197.00	36,197.00	\$91,357.00
Worth	Cutler Acquisition	40	\$18,750.00	18,750.00	\$25,000.00
	TOTALS		\$326,382.25	\$294,376.00	\$523,621.00

Mike Brandrup reviewed the grant projects. He noted that one project was disqualified. The left over money will remain in the Trust Fund and will be added to the amount on the next round of grants.

Motion was made by Commissioner Sullivan to approve the committee recommendations for funding the Wildlife Habitat with Local Entities Program Grants. Seconded by Commissioner Christiansen. Motion carried unanimously.

GRANTS APPROVED

2004 DOCK PERMITTING SURVEY RESULTS

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is asked to review the 2004 Dock Permitting Survey Results. Division Staff held a series of six public meetings across the state to gather public input regarding our current Administrative Rules covering boat dock permits. Input was received regarding both private and commercial docks. The public was also afforded an opportunity to submit input via our department's website. Staff would like to present some of the highlights from the survey results.

Lowell Joslin, Law Enforcement Bureau Chief, briefly summarized public input regarding boat dock permits. He noted that participants "were all over the board" with regard to dock issues, but found that the public does want dock rules that have environmentally friendly regulations in them and said the public did feel water quality was important. He also noted that commercial dock fees were a major issue, with assessed property value and income from that property being looked at.

Mr. Joslin acknowledged that this is one of the most controversial rules staff has worked with and it is a very emotional subject. He said that it is a challenge for staff to come up with rules that the public will accept because views are different for each lake.

Commissioner Duncan remarked that it is important to determine what is reasonable as far as dock fees. This includes assessed value of property and he said that income derived from the property may be important to look at also.

The fee structure for dock management areas has been reviewed by the parks bureau. The inequities of the dock management areas need to be addressed for the different areas. One of the biggest problems is uniformity between the city, county and the DNR.

Mr. Joslin said the Task Force, as a start, is trying to come up with a rule simple enough that it can be used statewide. The Chapter 17 and Chapter 18 leases will probably be tied into the dock rules. He said that it is hoped that a Notice of Intended Action will be drafted for the May meeting with the goal to have a final rule effective prior to January, 2006. This will allow time for further public comments during the summertime when people in the dock areas are available. He said there needs to be a large and educational effort to get people up to speed on the dock rules, as well as narrow the regulations down to where they are easier to understand.

Commissioner Duncan commended staff for all their work in holding public meetings and coming up with a rule.

INFORMATION ITEM

FINAL RULE—CHAPTER 94, NONRESIDENT DEER HUNTING

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to amend Chapter 94, Nonresident Deer Hunting. This amendment allows nonresident deer hunters to purchase a preference point in a year they choose not to hunt in Iowa.

NATURAL RESOURCE COMMISSION [571]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby amends Chapter 94, “Nonresident Deer Hunting,” Iowa Administrative Code.

Chapter 94 gives the regulations for hunting deer and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of taking, and transportation tag requirements. This amendment allows nonresidents to purchase a preference point in years they choose not to hunt deer in Iowa.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 8, 2004, as ARC 3861B. No comments on the proposed rule were received during the public comment period. A public hearing was held on January 25, 2005, in the Wallace Building. No one attended. There are no changes from the notice of intended action.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.7.

This amendment shall become effective April 6, 2005.

The following amendments are proposed.

Amend paragraph 94.8(3) as follows:

94.8(3) Preference points. Each individual applicant who is unsuccessful in the drawing for an any-sex license will be assigned one preference point for each year that the individual is unsuccessful. Preference points will not accrue in a year in which an applicant fails to apply, but the applicant will retain any preference points previously earned. Preference points will apply only to obtaining any-sex licenses. Once an applicant receives an any-sex nonresident deer hunting license, all preference points will be removed until the applicant is again unsuccessful in a drawing or purchases a preference point as described in 94.8(3)a. Preference points will apply to any zone or season for which a hunter applies. The first drawing for any-sex licenses each year will be made from the pool of applicants with the most preference points. If licenses are still available after the first drawing, subsequent drawings will be made from pools of applicants with successively fewer preference points and continue until the any-sex license quota is reached or all applicants have received licenses. Applicants who apply as a group will be included in a pool

of applicants with the same number of preference points as that of the member of the group with the fewest preference points assigned.

a. Purchasing preference points. Nonresidents that do not want to hunt in the current year may purchase one preference point per calendar year. The preference point will apply to the next year's drawing for any-sex deer licenses. The preference point will be treated in the same manner as preference points obtained by hunters that are unsuccessful in the any-sex license drawing. Nonresidents may not purchase a preference point and apply for an any-sex license in the same calendar year. Preference points may be purchased only during the application period for any-sex deer licenses. Preference points will cost \$10 to offset administrative costs plus the usual writing fee, convenience fee and other fees charged by the ELSI system.

Date

Jeffrey R. Vonk, Director

Mr. Brandrup reviewed that the rule allows nonresidents to buy a preference point in lieu of going through the application process to acquire a nonresident deer license.

Motion was made by Commissioner Sullivan to approve Final Rule—Chapter 94, Nonresident Deer Hunting. Seconded by Commissioner Marcantonio. Motion carried unanimously.

FINAL RULE APPROVED

NOTICE OF INTENDED ACTION—CHAPTER 105, DEER POPULATION MANAGEMENT ZONES

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to approve a Notice of Intended Action to amend Chapter 105, Deer Population Management Zones. The new Chapter 105 is simpler to understand and gives the Commission more flexibility in determining hunting rules for special hunts in state and county parks and recreation areas and for urban hunts.

**NATURAL RESOURCE COMMISSION [571]
Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby gives Notice of Intended Action to rescind Chapter 105, Iowa Administrative Code, and adopt a new Chapter 105, "Deer Population Management Zones."

This amendment simplifies the process for establishing special deer hunts and gives the Natural Resource Commission more flexibility in setting and administering special deer hunts and educational deer hunts.

Any interested person may make written suggestions or comments on the proposed amendment prior to March 22, 2005. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515)281-6156 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on March 22, 2005, at 9:00 a.m.. in the Fourth Floor East conference room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.7.

ITEM 1. Rescind 571--105(481A) and adopt new chapter as follows:

571—105.1(481A) Purpose. The purpose of this chapter is to establish special deer management zones, including educational hunts, on selected properties managed by the department, county conservation boards, cities, other government jurisdictions, and private lands. The purpose of the hunts shall be to ensure the harvest of an adequate number of deer to reduce economic and biological damage caused by high deer populations. Selected hunts in deer management zones may be educational hunts and limited to novice hunters to introduce them to deer hunting as a method of deer population control, and to encourage safe and ethical hunting.

571—105.2(481A) Definitions.

"Department" means the Department of Natural Resources.

"Commission" means the Natural Resource Commission.

"Special deer management zones" mean defined units of public and private land, including state parks, state recreation areas, county parks, urban areas, and other governmental jurisdictions.

"Educational hunts" are hunts in special deer management zones that are limited to hunters being introduced to deer hunting.

"Urban deer management zones" means areas mostly within incorporated city limits including city, county, state, and private land.

571—105.3(481A) Special deer management zones. Special deer management zone boundaries, seasons, permitted weapons, and other conditions for hunting shall be designated annually by the Commission.

105.3(1). Seasons. Deer hunting on a special deer management zone may occur only on dates established by the commission. Season dates may or may not coincide with seasons for general deer hunting outside of special deer management zones.

105.3(2) Licenses. Every hunter must have in possession a paid special hunting license valid only for the specific deer management zone. The hunting license shall specify dates of hunting and the type of deer that may be taken as designated by the commission. The special licenses will be issued on a first-come, first-served basis at locations and on dates announced by the commission. Special licenses shall normally be limited to one per person, shall be issued to

Iowa residents only and shall cost the same as deer licenses issued during the general deer seasons. The commission may establish procedures for issuing more than one license per person if quotas for any hunt do not fill.

105.3(3) *Permitted weapons.* Only weapons permitted during the general deer seasons may be used. The commission may limit the use of specific weapons in some deer management zones and seasons on a case by case basis to improve the safety of hunters and the surrounding area.

105.3(4) *Hunter safety and proficiency.* Hunters may be required to pass a weapons proficiency test or attend a meeting prior to hunting in special deer management zones. The meeting will be used to familiarize hunters with zone boundaries, location of private lands, safety areas around buildings, access points, objectives of the hunt and other aspects of hunting on a special deer management zone.

105.3(5) *Checking deer.* Hunters who take a deer may be required to check their deer at a designated headquarters prior to leaving the area.

105.3(6) *Educational hunts.* Hunts in designated special deer management zones may be restricted to youth and/or novice hunters to introduce them to safe and ethical deer hunting.

a. Age, experience or other eligibility restrictions may be designated by the commission. Zones, seasons and other conditions for hunting will be designated the same as specified in 571--105.3(481A).

b. An adult must accompany each youth participating in an educational hunt. The adult must be licensed as specified in 106.10(1)

571--105.4(481A) *State parks and recreation areas.* A public meeting shall be held in the vicinity of each state park or state recreation area before designating it as a special deer management zone for the first time. The purpose of the meeting will be to assess the need for and interest in holding a deer population control hunt in that park or recreation area. A summary of public comments received at the meeting shall be included with other recommendations to the commission related to hunting on the state park or recreation area.

571--105.5(481A) *Urban deer management zones.* Urban deer management zones will be established only upon request from a city government or special urban deer task force and when approved by the natural resource commission. Zones, seasons and other conditions for hunting will be designated the same as specified in 571--105.3(481A).

105.5(1) *Special restrictions.* Cities, deer task forces, or other public entities may require hunters to do one or more of the following: pass a hunter safety and education course, pass a weapons proficiency test, or be approved by the appropriate police department or conservation officer.

105.5(2). *Other methods.* The natural resource commission in cooperation with the city government may approve other methods of deer removal in urban areas.

571--105.6(481A) *Iowa Army Ammunition Plant (IAAP) deer management zone.* The IAAP deer management zone is defined as all federal land administered by the IAAP. Licenses, season dates and other conditions for hunting on IAAP will be designated the same as specified in 571--105.3(481A). The IAAP may establish special restrictions for entering and hunting on the IAAP deer management zone.

571--105.7(481A) County park deer management zones. Deer management zones will be established in county parks only after a request from county government and when approved by the commission. Zones, seasons and other conditions for hunting will be designated the same as specified in 571--105.3(481A).

105.7(1) Special restrictions. County park managers may require hunters to do one or more of the following: pass a hunter safety and education course, pass a weapons proficiency test, or be approved by the appropriate county sheriff or conservation officer.

571--105.8(481A) Special deer management zones on private land. Special deer management zones may be established on private land when approved by the commission. Zones, seasons, and other conditions for hunting will be determined by the commission. Hunters will be required to comply with all applicable regulations specified in 571--Chapter 106.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39 and 481A.48.

Date

Jeffrey R. Vonk, Director

Motion was made by Commissioner Kramer to approve Notice of Intended Action—Chapter 105, Deer Population Management Zones. Seconded by Commissioner Duncan. Motion carried unanimously.

NOTICE APPROVED

NOTICE OF INTENDED ACTION—CHAPTER 48, INSPECTION OF PERMANENTLY MOORED VESSELS

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is asked to create new Chapter 48, "Inspection of Permanently Moored Vessels" Iowa Administrative Code. This new rule will provide for procedures for compliance with inspections for excursion boats used for gambling that have been removed from navigation, and designated as permanently moored vessels. This rule is being proposed in accordance with Iowa Code sections 99F.7(13) and 462A.20 requirements.

NATURAL RESOURCE COMMISSION [571] Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resources Commission hereby gives Notice of Intended Action to adopt new Chapter 48, "Inspection of Permanently Moored Vessels," Iowa Administrative Code.

The department proposes to create new Chapter 48 as mandated by Iowa Code sections 99F.7(13) and 462A.20. This new chapter establishes procedures for compliance with the

inspection requirements of the two previously listed code sections, and pertaining to inspections of excursion boats being used for gambling that are removed from navigation and designated as a permanently moored vessel.

Any interested person may make written suggestions or comments on the proposed rule on or before March 22, 2005. Such written materials should be directed to the Law Enforcement Bureau, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Law Enforcement Bureau at (515)281-4515.

A public hearing will be held on March 22, 2005, at 9 a.m. in the Fourth Floor West Conference Room of the Wallace State Office Building at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record, and to confine their remarks to the subject of the rule.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This rule is intended to implement Iowa Code section 456A.24.

The following rule is proposed.

Adopt the following new chapter:

CHAPTER 48 INSPECTION OF PERMANENTLY MOORED VESSELS

571--48.1 Purpose. This chapter is intended to establish the procedures for compliance with the inspection requirements of sections 99F.7(13) and 462A.20 for the inspection of excursion boats being used for gambling that have been removed from navigation and designated as a permanently moored vessels by the United States Coast Guard.

571—48.2 Definitions.

“Commission” means the Iowa Racing and Gaming Commission.

“PMV” means an excursion boat being used for gambling removed from navigation classified as a vessel under Title 46, Code of Federal Regulations, Subchapter “K” or “H” that would have previously required a United States Coast Guard certificate of inspection.

571—48.3 Inspectors. Inspections of PMVs shall be conducted by persons meeting the criteria set forth in this rule.

a. All inspectors shall meet at least one of the following criteria:

1. Have prior experience as a U.S. Coast Guard marine inspector, or classification society surveyor (recognized by the U.S. Coast Guard), or
2. Be a classification surveyor acting on behalf of a classification society, or
3. Be a professional engineer licensed by one of the 50 states, or
4. Be a professional naval architect or marine engineer.

b. All inspectors shall have the following minimum documented work experience:

1. Have obtained three years experience in the examination of steel or aluminum vessels of similar design; and
2. Be familiar with the regulations and standards under which the vessel was built; and

3. Be familiar with permanent mooring arrangements and ship structures supporting the same; and
4. Have experience in marine emergency response operations and planning that is sufficient for the individual to competently review emergency action plans required by these regulations; and
5. Have experience in the investigation of reportable occurrences as described in “State of Iowa Permanently Moored Vessel Inspection Requirements,” 2005.

571—48.4 Inspection requirements. All PMVs shall be inspected by a qualified inspector to determine compliance with the “State of Iowa Permanently Moored Vessel Inspection Requirements,” 2005, as adopted herein by reference.

571--48.5 Submission. Any person making application to the Commission for the licensing of a PMV shall submit proof to the Department of Natural Resources that the PMV has been inspected by a qualified inspector and that the PMV satisfies all of the requirements of the “State of Iowa Permanently Moored Vessel Inspection Requirements,” 2005. All PMVs licensed pursuant to Chapter 99F of the Code of Iowa shall submit to the Department of Natural Resources quarterly and annual reports in compliance with all of the requirements of the “State of Iowa Permanently Moored Vessel Inspection Requirements,” 2005.

571—48.6 Notification to the Racing and Gaming Commission. The Department of Natural Resources shall, within 60 days of receipt of an initial inspection or annual report, determine the adequacy of the initial inspection or annual report and shall notify the submitting party of such determination. The submitting party shall be given a minimum of 60 days to cure any inadequacy. If the submitting party fails to cure the inadequacy within the applicable time period, a determination of inadequacy shall be forwarded to the Racing and Gaming Commission and shall be subject to the appeal and contested case procedures of the Department of Natural Resources as established by 561—Chapter 7, as adopted by reference at 571--7.1.

Date

Jeffrey R. Vonk, Director

Mr. Brandrup stated that because of legislative changes to the Code, this new chapter is being created. He introduced Lowell Joslin who has been working with the Gaming Association on this rule. Mr. Joslin distributed copies of the document “State of Iowa Moored Vessel Inspection Requirements” which will be used as a companion document to the Notice of Intended Action.

Mr. Joslin reported that this notice is a new topic for the commission and comes about because of language changes to the Racing and Gaming Commission’s chapter on gambling boats. That change gives exclusive jurisdiction to the DNR over permanently moored vessels. Mr. Joslin explained that as of July, gambling boats have the option to go out and cruise and take excursions or they can stay moored at dockside if they choose to. It is expected that most, if not all will stay moored. They must make application through the Racing and Gaming Commission to be able to do that. The Coast Guard has, in the past, always inspected these vessels that were

out cruising, but the Coast Guard does not choose to inspect permanently moored vessels. That jurisdiction has been turned over to the DNR to deal with the inspections of these vessels. Mr. Joslin noted that DNR does not have staff trained to do the kind of inspections that are going to be required. He said that large cruise ships have lots of critical systems and functions that DNR staff is not capable of dealing with. He said our commercial boat inspections amount to primarily looking at rental canoes, paddleboats and things like that and looking at life jackets and other pertinences that go along with it.

Mr. Joslin said that he has been working with the Iowa Gaming Association and with a lot of boat owner operators, some third party inspectors, attorneys from our staff as well as the Racing and Gaming folks and the Coast Guard. He said the Moored Vessel Inspection Requirements document and the rule are a direct result of that cooperative effort. Mr. Joslin acknowledged that the rule will not be without controversy because when boats become permanently moored or take that status, there will be changes in the number of people that have to be on the boat to run the facilities and deal with the functions.

Wes Ehrecke

Wes Ehrecke, President of the Iowa Gaming Association, said the joint efforts regarding the rule was summarized well. He said that there are millions of visitors on the vessels every year and safety and security of those patrons and employees must be assured. He added that the Coast Guard had comprehensive regulations when they issued certificates of inspection and now that they are becoming permanently moored vessels, that assurance of safety and security is still very essential. Mr. Ehrecke acknowledged the support of the Coast Guard commander and expressed appreciation of Lowell and his staff in working on the rules.

Mr. Joslin said that since this is an unfunded mandate where jurisdiction was given but no FTEs or extra dollars, this issue of moored vessel requirements has been a challenge. He said the intention is to allow third party inspectors to do the inspections that the Coast Guard would have done in the past. He said that not all the details have been worked out yet but are working towards having a third party inspector that can contract with all eight vessels that are seeking this kind of change in status. The cost would be born by the boat owner operators themselves, and the third party inspector would liaison with the DNR if there are deficiencies or problems that arise on a boat. DNR in turn would work with the Racing and Gaming Commission on making sure those problems are solved.

Mr. Joslin commended the boat owner operators for their help during this entire process. He said the Coast Guard Commander is comfortable with the direction we are going and has been very complimentary.

Commissioner Francisco asked about places that have permanently moored vessels that are used for other than gambling, like floating restaurants. He asked if the rules would cover those also.

Mr. Joslin said he agrees that there are some other vessels that need this kind of third party inspection, whether they are floating restaurants or the Queen II on Okoboji or the Lady of the Lake on Clear Lake. He said DNR doesn't provide, nor does the Coast Guard provide the kind of inspection of that type of vessel, but this rule may give us some kind of springboard to put

some additions into it that would allow us to require third party inspectors of those kinds of facilities.

Mr. Joslin also said that the Osceola boat is unique in that it is a boat that has cruised but has never been inspected by the Coast Guard. He said that boat should be tied to the same requirement for third party inspection. Some of these concerns may need to be addressed in the future.

Motion was made by Commissioner Sullivan to approve Notice of Intended Action—Chapter 48, Inspection of Permanently Moored Vessels. Seconded by Commissioner Christiansen. Motion carried unanimously.

NOTICE APPROVED

BACKBONE STATE PARK CONCESSION CONTRACT

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

Notice of concession availability was published in the Des Moines Register Sunday Business Opportunities section on October 24, 2004. Notices were also published in four local newspapers of the surrounding area in which the Backbone State Park concession operation was available for bid. There were two bids received for the concession operation. One bidder withdrew her bid for personal reasons.

Kelly Peterman of Strawberry Point, Iowa proposes a two-year contract offering snack-food service, convenience store items, vending machines, souvenirs, boat rental, fishing bait sales, firewood sales, catering, fishing license sales, video games and TV/VCR/DVD rentals for cabin renters. She will also handle the operation of the rental cabins and lodge at Backbone. Ms. Peterman proposes to pay the State 6% of gross revenue for the concession operation, 58% of the gross cabin rental revenue and 50% of the lodge rental revenue for each year of the contract.

Ms. Peterman has been the catering manager at Edgewood Locker for the past two years. She has also been a general manager for a large upscale restaurant in Cedar Rapids. Ms. Peterman plans to use income from the cabin rental to help start up the business as well as use equity from a rental property in Cedar Rapids.

Staff recommends award of the concession contract to Kelly Peterman.

Motion was made by Commissioner Christiansen to award a contract to Kelly Peterman for concession operation at Backbone State Park. Seconded by Commissioner Duncan. Motion carried unanimously.

CONCESSION CONTRACT APPROVED

GENERAL DISCUSSION

Director Vonk announced that a Commission Effectiveness workshop has been scheduled for May 10th and 11th in the Des Moines area. The NRC commission meeting will be on May 12. The June meeting will most like be held in Storm Lake.

Commissioner Francisco thanked the Governor and Director Vonk for their letter to hunter education instructors.

NEXT MEETING DATES

The next meeting will be held March 10, 2005 in Des Moines.

ADJOURNMENT

Motion was made by Commissioner Duncan to adjourn the February 10, 2005 NRC meeting. Seconded by Commissioner Christiansen. Meeting adjourned at 10:30 a.m.

Jeffrey R. Vonk, Director

Richard Kim Francisco, Chairperson

Joan Schneider, Secretary

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